

ENTERED

January 09, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ZURICH AMERICAN INSURANCE COMPANY; FIDELITY AND DEPOSIT COMPANY OF MARYLAND; AMERICAN HOME ASSURANCE COMPANY; CHARTIS SEGUROS MEXICO, S.A. DE C.V.; XL SPECIALTY INSURANCE COMPANY; GREENWICH INSURANCE COMPANY; AND XL REINSURANCE AMERICA INC.

Plaintiffs,

v.
GRUPO TRADECO, S.A. DE C.V.;
TRADECO INFRAESTRUCTURA, S.A.
DE C.V. d/b/a TRADECO
INFRAESTRUCTURA, INC.;
TRADECO INDUSTRIAL, S.A. DE C.V.,
INNOVACIONES TECHNICAS EN
CIMENTACION, S.A. DE C.V.; AND
TRADECO INFRASTRUCTURE, INC.

Defendants.

CIVIL ACTION NO. 4:16-cv-1952

FINAL JUDGMENT

ON THIS DAY CAME ON FOR CONSIDERATION the Motion for Default Judgment of Plaintiffs', Zurich;¹ AIG;² and XL³ (collectively the "Sureties") against Defendants, Grupo Tradeco, S.A. de C.V.; Tradeco Infraestructura, S.A. de C.V. d/b/a Tradeco Infraestructura, Inc.; Tradeco Industrial, S.A. de C.V.; Innovaciones Technicas en Cimentacion, S.A. de C.V.; and Tradeco Infrastructure, Inc., (collectively the "Defendants"). The Sureties seek default judgment against the Defendants following the Clerk's Entry of Default on June 5, 2018 [Dkt. 56]. The Court's records reflect that the Sureties have properly served each of the Defendants. The Court's

¹ Zurich American Insurance Company and Fidelity and Deposit Company of Maryland.

² American Home Assurance Company and Charits Seguros Mexico, S.A. de C.V.

³ XL Specialty Insurance Company, Greenwich Insurance Company, and XL Reinsurance America Inc.

records also reflect that, though the Defendants filed answers to the Sureties' complaint, the Defendants have failed to defend this suit by failing to retain new counsel in accordance with the Court's Order of May 4, 2018, directing the Defendants to obtain new counsel. [Dkts. 53 and 54]. Accordingly, the Sureties are entitled to default judgment against the Defendants pursuant to Federal Rule of Civil Procedure 55(b)(2).

After considering the Motion for Default Judgment, the evidence attached to the Motion, including the declarations of James W. Hamel (Zurich), James Murphy (AIG), John Rodgers (XL), and Jack Nicholson, and the exhibits attached to each declaration, the Court finds that the Sureties have presented evidence establishing their losses as follows:

- i. AIG – \$42,173,962.29
- ii. XL – \$31,936,162.44
- iii. Zurich – \$3,828,575.87

The Sureties have also pleaded facts evidencing the Defendants' obligation to indemnify the Sureties for these losses, plus pre and post-judgment interest at the maximum allowable legal rate. Accordingly, the Court finds that the Sureties' Motion is meritorious and should be GRANTED in its entirety. It is therefore

ORDERED that American Home Assurance Company and Charits Seguros Mexico, S.A. de C.V. shall have judgment against Grupo Tradeco, S.A. de C.V.; Tradeco Infraestructura, S.A. de C.V. d/b/a Tradeco Infraestructura, Inc.; Tradeco Industrial, S.A. de C.V.; Innovaciones Tecnicas en Cimentacion, S.A. de C.V.; and Tradeco Infrastructure, Inc., jointly and severally, in the actual amount of \$42,173,962.29, with pre-judgment interest at the rate of 5% per annum from July 1, 2016, through the date of this Judgment, and with post-judgment interest at the rate of 5% per annum from the date of this Judgment until the Judgment amount is fully paid. It is further

ORDERED that XL Specialty Insurance Company, Greenwich Insurance Company, and XL Reinsurance America Inc shall have judgment against Grupo Tradeco, S.A. de C.V.; Tradeco Infraestructura, S.A. de C.V. d/b/a Tradeco Infraestructura, Inc.; Tradeco Industrial, S.A. de C.V.; Innovaciones Technicas en Cimentacion, S.A. de C.V.; and Tradeco Infrastructure, Inc., jointly and severally, in the actual amount of \$31,936,162.44, with pre-judgment interest at the rate of 5% per annum from July 1, 2016, through the date of this Judgment, and with post-judgment interest at the rate of 5% per annum from the date of this Judgment until the Judgment amount is fully paid. It is further

ORDERED that Zurich American Insurance Company and Fidelity and Deposit Company of Maryland shall have judgment against Grupo Tradeco, S.A. de C.V.; Tradeco Infraestructura, S.A. de C.V. d/b/a Tradeco Infraestructura, Inc.; Tradeco Industrial, S.A. de C.V.; Innovaciones Technicas en Cimentacion, S.A. de C.V.; and Tradeco Infrastructure, Inc., jointly and severally, in the amount of \$3,828,575.87, with pre-judgment interest at the rate of ~~5%~~^{5.25%} per annum from July 1, 2016, through the date of this Judgment, and with post-judgment interest at the rate of ~~5%~~^{2.58%} per annum from the date of this Judgment until the Judgment amount is fully paid. *(KPE)*

IT IS SO ORDERED.

Signed this 9th day of January, 2019.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE